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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2004-2005

Proposed budget of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2006-2007

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Proposed budget of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the biennium 2006-2007

Staff retention and legacy issues of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered, in advance form, the second performance report for the biennium 2004-2005 (A/60/575) and the proposed budget for the biennium 2006-2007 (A/60/264) for the International Tribunal for the Former Yugoslavia and the second performance report for the biennium 2004-2005 (A/60/573) and the proposed budget for the biennium 2006-2007 (A/60/265) for the International Criminal Tribunal for Rwanda. The Advisory Committee also considered the report of the Secretary-General on staff retention and legacy issues for both Tribunals (A/60/436). During its consideration of the reports, the Committee met with the Deputy Prosecutor, the Registrar, the Deputy Registrar and the Chief Administrative Officer of the International Tribunal for the Former Yugoslavia, with the Chief of Prosecutions and the Registrar of the International Criminal Tribunal for Rwanda and with other representatives of the Tribunals and representatives of the Secretary-General, who provided additional information and clarification.

2. The Advisory Committee considered the financing of the Tribunals together in order to facilitate discussions on cross-cutting issues concerning both. The Committee's consideration of the proposed programme budget of the Tribunals for the biennium 2006-2007 was delayed due to the late reception of the second performance reports for the biennium 2004-2005; a pre-edited copy of A/60/575, on the Yugoslavia Tribunal, was received on 1 December 2005 and issued on 7 December 2005, and a pre-edited copy of A/60/573, on the Rwanda Tribunal, was received on 30 November 2005 and issued on 1 December 2005. **The Committee expects that future budget and performance reports of both Tribunals will be submitted in a timely and synchronized manner.**

II. Cross-cutting issues

3. The Advisory Committee was informed that the Tribunals had cooperated closely to identify and develop a number of measures for optimizing the use of available human and financial resources. These were and are being put in place to allow the Tribunals to absorb the anticipated increased activity and to meet the targeted milestones of their respective completion strategies. The Committee recalls that the Security Council, in its resolutions 1503 (2003) and 1534 (2004), had requested the Tribunals to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008 and to complete all work by 2010, within the terms of the two pillars of the Tribunals' completion strategies, namely (a) the fair and expeditious completion by the Tribunals of trials of those who bear the greatest responsibility for the crimes committed, in accordance with the established time-lines, and (b) the transfer of cases to national jurisdictions.

4. Both the Tribunals anticipate heightened judicial activity during the biennium 2006-2007 and have undertaken measures to reduce the length of trials, expedite proceedings, improve judicial efficiency and reduce costs. In this regard, some of the most important measures include:

(a) The joining of cases with a similar crime base and the conduct of trials with multiple accused. Even though such trials are more complex, the overall court time is reduced and the length of the proceedings is shortened, since the same crime base does not have to be proved repeatedly and evidence need be heard only once. Moreover, the number of witnesses called to testify is also reduced;

(b) Amendments to the Rules of Procedure and Evidence allowing judges to streamline and accelerate pre-trial and trial proceedings. The Advisory Committee was informed that in the case of the Rwanda Tribunal, these amendments allow the Trial Chamber to consider motions on written pleadings instead of holding hearings, to take judicial notice of adjudicated facts or documentary evidence from other proceedings before the Tribunal, to continue with trial for a limited time in the absence of a judge and to allow parties to have "stand-in" witnesses to replace witnesses who are unable to testify;

(c) Measures to expedite the translation of documents in order to avoid delays in judicial proceedings, as well as the introduction of simultaneous interpretation and real-time transcripts during proceedings;

(d) The introduction of a lump-sum payment system for defence counsel for all pre-trial activities as an alternative to the fixed hourly system currently in place. This system is applicable to new counsel, but discussions are under way to encourage currently assigned counsel to participate in this scheme;

(e) The introduction of an "e-court strategy", based on an enterprise-wide, systemic approach using electronic documents and automated workflow processes between all the organizational units participating in court processes, including functions such as conversion of digital documents; electronic and remote filing of documents from parties; online public access to judicial documents via the Internet; electronic distribution and proof of service of judicial documents to parties; real-time, in-court transcription; and an automated electronic document vetting system. It is planned to implement the e-court strategy in 2006;

(f) The implementation of a variety of information systems for supporting the efficiency of court processes, such as the Electronic Disclosure System, which has been implemented in both Tribunals; electronic automated translation software; case management software; an electronic evidence management repository; an automated indexed decisions database; and an automated publishing system.

5. **The Advisory Committee commends the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda for presenting a logical results-based budgeting framework that is well-structured, both qualitatively and quantitatively. In this regard, the Committee draws attention to the external factors influencing the outcome of the work of the Tribunals and the potential risks they pose to the capacity of the Tribunals to achieve their objectives. In the opinion of the Committee, the external factors have been identified with great clarity and are of particular relevance.**

6. **The Advisory Committee welcomes the efforts made by both Tribunals to introduce measures for increasing trial efficiency and for modernizing working methods and increasing productivity and cost-effectiveness, as well as the level of cooperation demonstrated in developing these tools and procedures.** The Committee notes that the Electronic Disclosure System and the proposals for the e-court strategy outlined in paragraph 10 of the Yugoslavia Tribunal budget proposal add transparency while still maintaining confidentiality of information. With respect to trial efficiency, the Committee notes that both Tribunals have been successful in combining several cases under a single "umbrella" trial with multiple accused persons. This approach can yield considerable efficiency gains, including savings in time and expense as a result of witnesses testifying only once, not appearing several times before the Tribunal to testify in separate trials, thus reducing travel and other costs. Furthermore, the Committee was informed that the Tribunals expect that measures such as online public access to judicial documents via the Internet and the lump-sump payment scheme will contribute to concrete efficiency gains such as reduced travel of witnesses and defence counsel and savings in costs for defence counsel. Also, the Committee notes that the trial lump-sum defence counsel payment system was a significant step in ensuring efficient trial strategy preparation by the defence. **The Committee recognizes that the successful implementation of efficiency measures, whether of a judicial or an administrative nature, is an ongoing process and looks forward to further positive developments in the future. Bearing in mind the need to avoid any infringements of the rights of the accused, the Committee requests both Tribunals to report comprehensively on**

the implementation and results obtained from these measures in the next budget submission.

7. **The Advisory Committee points out that there is an urgent need to develop a monitoring mechanism to ensure the effective enforcement and administration of prison sentences after the closure of the Tribunals. This would include addressing such issues as enforcement of sentences, early release, commutation of sentences, monitoring the treatment of prisoners to ensure their human rights, etc. Other judicial management legacy issues are referred to in document A/60/436 (see sect. V below). These also need to be addressed expeditiously.**

8. The Advisory Committee was informed that regularly scheduled videoconferences, as well as telephone and e-mail contacts, take place to ensure open lines of communication and encourages the exchange of lessons-learned experiences in all aspects of the Tribunals' operations. The Rwanda Tribunal informed the Committee that it was drafting a manual of good practices which would be available for other United Nations judicial entities. Furthermore, the Committee was informed that two colloquiums are being organized in a cooperation project to develop a common code of best practices. The Committee was also informed that the Deputy Registrar of the Rwanda Tribunal was visiting the Special Court for Sierra Leone to help manage its jurisdiction and share the Rwanda Tribunal's lessons learned. **The Committee commends both Tribunals for cooperating on a number of matters, including judicial and administrative matters, and encourages their outreach efforts to other United Nations system judicial entities. The Committee requests that the measures implemented be included in the documentation of the Tribunals on best practices and lessons learned and encourages the Tribunals to share their progressive approach with regard to the use of information technology.**

III. International Tribunal for the Former Yugoslavia

Status of trial-related activities

9. As indicated in paragraph 3 of A/60/264, the report on the judicial status of the Tribunal and the prospects for referring certain cases to national courts (S/2002/678) was endorsed on 23 July 2002 by a statement of the President of the Security Council on behalf of the Council (S/PRST/2002/21). The Advisory Committee was informed that, as an interim step in the Tribunal's completion strategy, the deadline for concluding all new investigations and indictments as at 31 December 2004 had been met. In the same paragraph, 31 December 2008 is indicated as the date for the completion of all first-instance trials and 31 December 2010 as the date for the completion of appeals.

10. The Tribunal has continued to refer cases involving intermediate and lower-ranking accused to national courts in the former Yugoslavia pursuant to rule 11 bis of the Rules. To date, one case has been referred to Croatia and two cases to Bosnia and Herzegovina. The Tribunal continues to make steady progress in apprehending fugitives. The introduction to the budget indicated that, since the report of 25 May 2005 to the Security Council (see S/2005/343 and Corr.1), 3 more indictees had been apprehended, resulting in a total of 20 fugitives newly transferred to the

Yugoslavia Tribunal during the past year, with 7 indictees still at large. In addition, one day prior to the Yugoslavia Tribunal's meeting with the Advisory Committee, a high-profile fugitive was apprehended, this reduced the number of indictees remaining at large to only 6 and increased the number of newly transferred fugitives to 21.

Second performance report for the biennium 2004-2005

11. The General Assembly, by its resolution 59/274, approved a revised appropriation for the biennium 2004-2005 in the amount of $329,317,900 gross ($298,437,000 net). After the addition of income in the amount of $184,000, the initial revised appropriation amounts to $329,501,900 gross ($298,437,000 net). The second performance report shows a net reduction in requirements, by $21,962,900, to the amount of $308,305,200 gross ($276,474,100 net). In paragraph 2 of A/60/575 it is also noted that reduced requirements for the 2004-2005 biennium were a result of measures introduced in 2004 in response to the Tribunal's cash-flow situation, as well as in response to efficiencies of the lump-sum system for defence counsel. The Advisory Committee's comments on the second performance report are integrated, as appropriate, in the relevant portions of its observations on the Tribunal's proposed budget for the biennium 2006-2007. **The Committee recommends approval of the revised appropriation for the biennium 2004-2005 in the amount of $308,305,200 gross ($276,474,100 net) to the Special Account for the International Tribunal for the Former Yugoslavia.**

Proposed budget for 2006-2007

12. The proposed budget for the Yugoslavia Tribunal (A/60/264) indicates estimated resource requirements for the biennium 2006-2007 at $320,842,900 gross ($289,675,800 net), as compared with $329,501,900 gross ($298,437,000 net) for the revised appropriation for 2004-2005; the proposed final appropriation for 2004-2005, as noted above, amounts to $308,305,200 gross ($276,474,100 net) (A/60/575, table 1).

1. Post resources

13. The budget proposal indicates that the total number of posts, 990, will remain unchanged for the biennium 2006-2007 and that internal redeployments are proposed to strengthen trial and appellate work in the Office of the Prosecutor and the Chamber (A/60/264, para. 16). Paragraph 18 of the budget proposal details the proposal for the redeployment of 20 posts; paragraph 19 details the redeployment of 11 additional posts to the Information Technology Services Section of the Division of Administration, in response to recommendations made by the Office of Internal Oversight Services. **The Advisory Committee notes with satisfaction the efforts to shift resources to meet changing priorities and recommends approval of the proposed redeployments.**

14. The Advisory Committee notes from supplementary information provided to it that resource requirements for overtime in the Office of the Prosecutor are proposed at a maintenance level of $378,500 and in the Registry at $1,152,000, a decrease of $150,400 from the initial appropriation for the biennium 2004-2005. When compared with the proposed final appropriation for 2004-2005, overtime is

decreased by $348,900 (A/60/575, para. 16). The Committee was informed that most overtime was related to security officers. The Committee recalls its comments in its report on the Tribunal's first performance report that the staffing freeze would have a negative impact on the completion schedule and that the departure of experienced security officers would also have a negative impact on operations (A/59/561, paras. 11 and 12). Nonetheless, the Tribunal was able to reduce its staff overtime. Upon enquiry, the Committee was informed that this was predominantly the result of a change in shift schedules, i.e., 10- or 12-hour shifts instead of 8-hour shifts. The Committee was informed that the change in shift schedules was introduced after a review of practices in this regard at other United Nations entities, including the Secretariat. **The Committee commends the Tribunal for applying lessons learned from other United Nations system entities and trusts that it will continue to closely analyse and monitor its work-flow distribution with a view to further reducing overtime.**

2. Non-post resources

15. The Advisory Committee notes from supplementary information provided to it that resource requirements for travel of staff of the Tribunal's Chambers is proposed at $136,400 for the biennium 2006-2007, reflecting a decrease of $16,800 from the initial appropriation of $153,200 for the biennium 2004-2005. The final appropriation for 2004-2005, adjusted for inflation, amounts to $139,400, reflecting a decrease of $15,300, in real terms, from the revised appropriation of $153,200 (A/60/575, para. 7). Meanwhile, travel of staff of the Office of the Prosecutor is proposed at $2,605,200, reflecting a decrease of $1,187,200 from the initial 2004-2005 appropriation of $3,792,400. The proposed revised final appropriation for 2004-2005, in the amount of $2,945,100, reflects a decrease of $880,200, in real terms, from the initial appropriation of $3,792,400 (A/60/575, para. 12). Finally, the Registry's travel requirements are proposed at $4,429,800, representing a decrease of $176,500 from the initial appropriation of $4,606,300 for 2004-2005. The proposed final appropriation in the amount of $3,756,100 reflects a decrease of $896,100, in real terms, from the revised appropriation (A/60/575, para. 17). This larger decrease is primarily a result of reduced witness travel due to the consolidation of some trials into multiple-accused trials, as noted above. **The Committee commends the Tribunal for taking steps to monitor its travel requirements and trusts that further economies will be realized in future performance reports.**

16. The Advisory Committee notes from supplementary information provided to it that, with regard to the Registry's contractual services, the provision of detainee services for the biennium 2006-2007 in the amount of $13,331,900 reflects an increase of $369,200 from the initial 2004-2005 appropriation. However, the Committee further notes that, when compared with the proposed final appropriation for 2004-2005, a larger increase in the amount of $558,100 for detention services is proposed (A/60/575, para. 18). Upon request, the Tribunal informed the Committee that the detention unit consists of 68 cells located in the Scheveningen penitentiary complex in two separate blocks of 36 and 32 cells. The cost of $270 per day for each cell includes the provision of detention guards, detainee accommodations, meals of detainees, laundry, other living expenses and basic medical care. Approximately 79 per cent of the overall cost for detention services relates to detention guards.

17. The Advisory Committee notes that the budget document does not specifically address whether additional detention services or facilities would be required once the remaining fugitives are captured; rather, the budget document addresses the status quo of the facilities, such as the general provision of secure detention facilities, duty schedules of security guards, etc. (A/60/264, para. 70 (e)). It could be inferred from the overall logical framework, as well as from written and verbal information provided to the Committee, that future detention needs have been considered within the resources requested for the biennium 2006-2007. **However, the Committee would have welcomed a transparent analysis of possible additional detention requirements.**

18. With regard to the Registry's contractual translation services, the Advisory Committee notes from supplementary information provided to it that $1,400,000 is proposed for the biennium 2006-2007, an increase of $97,500 from the initial appropriation for the biennium 2004-2005. The contractual translators are used to supplement on-site translators. **The Committee believes that there is a need to examine translation requirements and methods with a view to reducing costs while ensuring optimal quality.**

Conclusions and recommendations

19. **The Advisory Committee recommends approval of the resource requirements for the biennium 2006-2007 for the International Tribunal for the Former Yugoslavia in the amount of $310,884,100 gross ($280,782,700 net).**

IV. International Criminal Tribunal for Rwanda

Status of trial-related activities

20. Information on trial activity of the Rwanda Tribunal during the biennium 2004-2005 is presented in annex II to the second performance report (A/60/573). The ninth and tenth annual reports presented by the President of the Tribunal to the General Assembly and to the Security Council (see A/59/183-S/2004/601 and A/60/229-S/2005/534) also provide a detailed review of its activity during the period from 1 July 2003 to 30 June 2004 and from 1 July 2004 to 30 June 2005. From the latest completion strategy, based on information available as at 30 November 2005 and information provided to the Advisory Committee during its discussions with the representatives of the Tribunal, the Committee notes the following:

(a) Investigations of new targets were completed by the completion strategy deadline of 31 December 2004;

(b) 20 judgements involving 26 accused have been handed down;

(c) 10 cases involving 26 accused are in progress; it is estimated that these trials will be completed from 2006 onwards;

(d) 10 appeals involving 13 accused are in progress;

(e) 17 detainees, including 14 accused indicted before 2005, are awaiting trial; of these 14, 5 are intended to be transferred to national jurisdictions for trial; the trials of the remaining 9 will start from 2006 onwards;

(f) 16 investigations were completed recently; 8 of these cases have been closed because of insufficient evidence; 8 indictments against the remaining 8 persons have been recently confirmed; of these 8 indicted persons, 3 have been arrested recently and 4 have been earmarked for transfer to national jurisdictions;

(g) 19 indictees are still at large, 14 of whom were indicted before 2005; of these 14, it is intended to transfer 4 to national jurisdictions for trial.

21. On the basis of information currently available, it is estimated that trials for a maximum of 14 persons at large will commence in 2007 and 2008 and that by 2008 the Tribunal will have completed trials involving 65 to 70 persons.

22. The Advisory Committee was informed that the coming biennium will be a period of heightened judicial activity, with the emphasis shifting from investigations and arrests to trials. It is estimated that 18 cases involving 34 accused will be in trial, including 11 new cases and 7 existing cases during 2006-2007, in comparison with the 10 trials involving 26 accused that are in progress at present, near the end of 2005. A total of 956 witnesses is projected to be brought before the Tribunal, which is equal to the number of witnesses brought before it during the first seven years, from 1997 to 2003, in support of the 26 cases already tried.

23. The Advisory Committee notes that a fourth courtroom, financed through voluntary contributions, was inaugurated in 2005. It was informed that this had facilitated the steady progress of ongoing cases and constituted an important element of the Rwanda Tribunal completion strategy.

24. **The Advisory Committee trusts that the Tribunal will redouble its efforts to explore technical and financial assistance from national jurisdictions in the region to transfer applicable cases to national courts in a timely manner.**

Second performance report for the biennium 2004-2005

25. By its resolution 59/273, the General Assembly decided on a revised appropriation in the amount of $255,909,500 gross ($231,506,500 net) for the biennium 2004-2005 for the International Criminal Tribunal for Rwanda, inclusive of $176,040,100 for the Registry, $70,212,300 for the Office of the Prosecutor and $9,657,100 for the Chambers. The initial appropriation authorized by the Assembly for the biennium 2004-2005 (see resolution 58/253) amounted to $235,324,200 gross ($213,275,500 net).

26. As indicated in table 1 of A/60/573, the estimate of the final level of resources required for the biennium 2004-2005, based on actual expenditure for the first 20 months of the biennium and projected requirements for the remaining 4 months, amounts to $252,602,200 gross ($227,630,600 net), a decrease of $3,307,300 gross ($3,875,900 net), or 1.3 per cent, from the revised appropriation.

27. The Advisory Committee notes from table 2 that the decrease results from savings owing to the favourable rate of exchange of the United States dollar against the Tanzania shilling and the Rwanda franc ($867,700 gross, $850,200 net) and lower requirements under post incumbency and other charges ($4,592,400 gross, $4,963,900 net), offset by the impact of changes in inflation (additional requirements of $2,152,800 gross, $1,938,200 net).

28. Key resource variances include savings under posts ($6,932,200), salaries and allowances of judges ($998,400), travel of representatives ($141,700) and general operating expenses ($395,600). These savings are offset in part by higher requirements under other staff costs ($698,100), contractual services ($1,530,100), improvement of premises ($299,800), grants and contributions ($976,000) and staff assessment ($371,500).

29. The Advisory Committee notes that the savings realized under posts, which include requirements for salaries and common staff costs, are due to effective average vacancy rates that were higher than the budgetary assumptions (15.1 per cent for Professional and 8.9 per cent for General Service staff), as well as lower than budgeted requirements for common staff costs. The Committee was informed that the overall vacancy rate in 2004 was 11.7 per cent, with a 15.5 per cent rate for staff in the Professional and higher categories and 9.2 per cent for staff in the General Service and related categories. It is projected to be slightly higher in 2005, at 11.9 per cent, with 15.6 per cent for staff in the Professional and higher categories and 9.4 per cent for staff in the General Service and related categories.

30. The Advisory Committee was informed that the Tribunal had made every effort to improve vacancy rates during the biennium 2004-2005. It recalls that the budgeted rates for 2002-2003 were set at 18 per cent for Professional and 12 per cent for General Service staff and that the latest effective rates reported at the end of that biennium were 18 per cent for Professional and 14 per cent for General Service staff in the Office of the Prosecutor and 18 per cent for Professional and 11 per cent for General Service staff in the Registry (A/58/605, para. 17). The Committee was informed that the negative impact of the freeze on recruitment of staff, effective between May and December 2004, which was described in detail in its report on the first performance reports of the Tribunals (A/59/561, annex) and which led to the departure of a sizeable number of both Professional and General Service staff, continues to this day. Additional measures for staff retention are proposed by the Tribunals in document A/60/436, discussed in section V below.

31. The Advisory Committee notes that the cost overrun of $1,530,100 under contractual services is due largely to additional requirements for defence counsel owing to the higher than estimated number of hours booked for the pre-trial and trial stages in some cases. The Committee was informed that a new scheme, based on a lump-sum payment, has been established as an alternative to the fixed hourly rate system, in cooperation with the Yugoslavia Tribunal. This and other efficiency measures put in place during the biennium 2004-2005 are discussed above.

32. The Advisory Committee notes that as at 31 October 2005 total cash contributions to the Voluntary Fund amounted to $10,230,665 and that the level of the resources of the fund was $2,741,100. Extrabudgetary resources were used, inter alia, for supporting activities recommended by the Voluntary Fund Advisory Board, such as the enhancement of the archiving and record-keeping systems, the outreach programme, the construction of a fourth courtroom (see para. 23 above) and a sustainable framework for maintaining contact with potential prosecution witnesses.

Proposed budget for the biennium 2006-2007

33. Resource requirements proposed for the Tribunal for the biennium 2006-2007 under assessed contributions are estimated at $261,640,400 gross ($237,265,600 net) before recosting, reflecting resource growth of $5,730,900 gross ($5,759,100 net), or 2.2 per cent, over the 2004-2005 appropriation (A/60/265, table 2). The total requirement proposed for 2006-2007, after recosting, amounts to $284,273,200 gross ($258,898,800 net).

34. The Advisory Committee notes that the estimate for extrabudgetary resources for the biennium 2006-2007 amounts to $3,624,500, up from the 2004-2005 estimate of $2,926,100.

1. Posts

35. The resources requested under posts amount to $169,052,100 gross before recosting, a reduction of $2,161,900 from the appropriation for 2004-2005, and will provide for the continuation of the existing 1,042 temporary posts, comprising 414 Professional and 628 General Service and related categories posts. The vacancy rates used in formulating the proposed estimates remain unchanged from those of the current biennium, 15.1 per cent for Professional and 8.9 per cent for General Service staff.

36. The Advisory Committee notes that as the Tribunal shifts emphasis from investigations and arrests to trials, the Office of the Prosecutor will be restructured to redeploy resources accordingly. In particular, the Investigations Division, based in Kigali, will be downsized from 106 to 60 posts: 15 posts will be redeployed to the Registry and 31 within the Office of the Prosecutor itself. This Office will be restructured to support the increased activity linked to pre-trial, trial and appeals cases. The overall reduced requirements for posts are due largely to the redeployment of 46 posts from Kigali to Arusha. The budget proposals under posts for the individual organs of the Tribunal reflect the transfer of 15 posts from the Office of the Prosecutor to the Registry.

37. **The Advisory Committee welcomes the efforts made to shift resources in response to changing priorities and recommends approval of the redeployment of posts as outlined in the budget proposal.**

2. Non-post resources

38. Additional non-post resources proposed for the biennium 2006-2007 amount to $92,588,300 gross, before recosting, broken down as follows:

(a) $405,800, for non-staff compensation under Chambers, owing to higher costs for salaries and pensions of judges (see para. 39 below);

(b) $492,200 for consultants and experts, largely under the Registry ($452,200), owing mainly to an increase in the number of expert witnesses per accused from two to three, as well as the increased length of stay in Arusha from 8 to 14 days, and in the Office of the Prosecutor ($40,700) to cover additional costs for expert witnesses and consultants to assist trial teams in the pre-trial and trial stages of proceedings;

(c) $48,000 for travel of representatives under Chambers, for travel of the President of the Tribunal and the members of the Appeals Chambers;

(d) $114,400 for travel of staff owing to increased requirements for travel of staff in support of witnesses and other necessary activities under the Registry ($503,300), partly offset by reduced requirements for travel under the Office of the Prosecutor ($388,900);

(e) $3,380,700 for contractual services under the Registry, mainly for expenditure related to increased defence counsel fees;

(f) $2,081,800 for general operating expenses, largely under the Registry, attributable essentially to additional requirements for the protection and relocation of witnesses ($1,245,600), the enforcement of sentences ($180,000), rations for detainees ($41,100) and other operating expenses ($419,100).

39. The Advisory Committee notes that the increased requirements under non-staff compensation for the salaries and pensions of judges are attributable to the decision taken by the General Assembly in its resolution 59/282 to increase the salaries and pensions of judges by 6.3 per cent, effective 1 January 2005 as an interim measure, pending review of the emoluments, pensions and other conditions of service of the judges at the sixty-first session of the Assembly. These estimates may have to be adjusted in the light of the decisions taken at that time.

40. The Advisory Committee notes that the requirements under contractual services, essentially used for defence counsel fees, would increase considerably, by $3,022,400, despite the savings expected from the implementation of the lump-sum payment scheme. The Committee was informed that these costs are commensurate with the high level of defence activity expected during the biennium 2006-2007. While the lump-sum payment scheme would effectively contain these costs, it cannot be applied retroactively to ongoing cases, and the Rwanda Tribunal has engaged in discussions with the Association of Defence Counsel regarding the adoption of the new system. **The Committee suggests that the Rwanda Tribunal consult with the Yugoslavia Tribunal on this matter, and consider designating a focal point to promote and support the coordination and implementation of the lump-sum payment scheme, as well as to explore the possibility of its application in the context of ongoing cases. The Committee requests that the Rwanda Tribunal report on the results achieved in this matter in the performance reports.**

Conclusions and recommendations

41. **The estimate proposed by the Secretary-General for 2006-2007 in respect of the International Criminal Tribunal for Rwanda amounts to $284,273,200 gross ($258,898,800 net). The Advisory Committee recommends approval of this amount.**

V. Staff retention and legacy issues of the International Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda

42. At the time of the consideration of the first performance reports for the biennium 2004-2005, the Tribunals had alerted the Advisory Committee to the difficult situation they faced with respect to their staffing situation, with low staff morale and high turnover rates resulting from the recruitment freeze that was in effect from May to December 2004, and in particular to the negative impact of this situation on the Tribunals and their capacity to implement their completion strategies. In its report on the financing of the Tribunals (A/59/561), the Advisory Committee had drawn attention to this difficult situation. The General Assembly, in its resolutions on the financing of the Tribunals (resolution 59/273, para. 5, and resolution 59/274, para. 5) had taken note of these difficulties and requested the Secretary-General to submit proposals on ways to ameliorate the staffing situation of the Tribunals in the context of the proposed budgets for the biennium 2006-2007. Document A/60/436 was submitted in response to that request.

43. The Advisory Committee notes that A/60/436 includes two parts: the first, on staff retention at the Tribunals, is presented in response to the request of the General Assembly; the second part outlines some of the judicial, legacy and administrative issues that will be faced by the Organization upon completion of the mandates of the Tribunals, which are outlined for information purposes only at this stage.

44. The critical importance of retaining highly skilled and specialized staff until the completion of the mandate of the Tribunals is clearly explained in paragraphs 4 to 7 of the report. The initial measures that could be adopted within the existing rule and regulations, or through the adjustment of existing rules, are described in paragraphs 8 to 11. The Committee was informed that these had been developed in close cooperation with the Office of Human Resources Management and were based on a survey of the staff of the Tribunals and their concerns. The Advisory Committee notes that these measures, which are aimed mainly at improving job security, allaying staff anxieties and providing opportunities for staff development, include:

(a) Consideration of Tribunal staff as internal candidates when they apply for positions elsewhere in the United Nations;

(b) Extension of the length of contracts of all staff to two years instead of one year;

(c) Establishment of an internal G-to-P examination;

(d) Recruitment of qualified spouses;

(e) Expansion of training options offered.

45. Contingency plans for facilitating secondment or temporary assignments from Governments during the final stages of the Tribunals, should the need arise, are also being considered.

46. **The Advisory Committee encourages the Secretary-General to expeditiously implement such measures as do not require legislative authorization.**

47. The Tribunals indicate that the measures enumerated above have been well received by Staff and have contributed to improving the staffing situation to some extent. However, it is felt that they will not be sufficient to motivate staff to remain until the completion of the mandate, and that the offer of a retention bonus would constitute a stronger incentive. In paragraphs 15 to 18, the report of the Secretary-General outlines the criteria for identifying eligible staff and some of the parameters that could serve as basis for determining the amount of the retention bonus. The Secretary-General indicates that the financial implications of such a bonus would be largely offset by costs associated with the turnover of staff.

48. **The Advisory Committee believes that this idea has merit and should be pursued; however, an analysis of the financial and any other implications resulting from the introduction of such a measure should be provided to the General Assembly before it is requested to pronounce itself on this matter.**